IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21285 of 2004

Between:

Smt. Yalishamma, W/o Peddaiah,
Garladinne Village, Yemmiganur Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in proceedings Rc.M.1026/04 dt. 21-10-2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission made the following :

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.21285 OF 2004

ORDER:

The petitioner has been appointed as a fair price shop dealer on 21-09-1997 in respect of Garladinne Village, Yemmiganur Mandal, Kurnool District. It is renewed up to 31-03-2006. Through proceedings dated 21-10-2004, the 2nd respondent, Revenue Divisional Officer, Adoni, suspended her authorization. Aggrieved thereby, she preferred an appeal before the Joint Collector, the 1st respondent, with a petition to grant stay. The grievance of the petitioner is that the Joint Collector has not passed any order so far, and in the meanwhile, the distribution of the essential commodities is entrusted to some other fair price shop dealer.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The dealership of the petitioner was suspended through proceedings dated 21-10-2004, by the 2nd respondent, on the basis of certain allegations, brought to his notice by the Mandal Revenue Officer, the 3rd respondent. She was issued a show cause notice, as required under Clause 5 of the A.P. State Public Distribution System Control Order, 2001. The petitioner is said to have submitted explanation. Though the show cause notice was issued in the limited context of suspension, the 2nd

respondent recorded a finding that the allegations against the petitioner are proved. Such a course of action is impermissible, and in fact, it would effect the enquiry, that may be undertaken in the final proceedings.

Under Clause 20 of the Control Order, the appellate authority is vested with the power to grant interim orders. If the appeal as well as the application for interim orders are kept pending indefinitely, the very purpose of filing the appeal would be lost.

Having regard to the nature of allegations and the purpose of the order passed by the 2nd respondent, this Court is of the view that ends of justice would be met, if the order of suspension is stayed, till the 1st respondent disposes of the appeal.

Hence, the writ petition is allowed, directing that the order dated 21-10-2004, passed by the 2nd respondent shall stand suspended, till the 1st respondent disposes of the appeal. The appellate authority shall dispose of the appeal as early as possible, and not later than four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.22-11-2004

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To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

4. Two C.Cs. to G.P. for Civil Supplies, High Court Buildings,

High Court of A.P., Hyderabad (OUT).

5. Two C.D. copies.